

103D CONGRESS
1ST SESSION

H. R. 511

To amend title 5, United States Code, to establish a program of Public Service Scholarships, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. GILMAN introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend title 5, United States Code, to establish a program of Public Service Scholarships, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Service Scholar-
5 ship Act of 1993”.

6 **SEC. 2. PUBLIC SERVICE SCHOLARSHIP PROGRAM.**

7 (a) IN GENERAL.—(1) Subpart B of part III of title
8 5, United States Code, is amended by adding after chapter
9 35 the following:

1 **“CHAPTER 36—PUBLIC SERVICE**
2 **SCHOLARSHIP PROGRAM**

“Sec.
“3601. Definition.
“3602. Establishment.
“3603. Identification of candidates.
“3604. Scholarship agreements.
“3605. Scholarship payments.
“3606. Regulations.
“3607. Reports.

3 **“§ 3601. Definition**

4 “For the purpose of this chapter, the term ‘agency’
5 means an Executive agency.

6 **“§ 3602. Establishment**

7 “The Office of Personnel Management shall establish
8 a program, to be known as the Public Service Scholarship
9 Program, under which scholarships may be awarded to
10 outstanding students in accordance with this chapter.

11 **“§ 3603. Identification of candidates**

12 “(a) The Office of Personnel Management may, with-
13 out regard to any provision of law requiring competitive
14 bidding, enter into a contract with 1 or more not-for-prof-
15 it, non-government organizations to identify candidates for
16 the Public Service Scholarship Program.

17 “(b) Candidates for the Public Service Scholarship
18 Program—

19 “(1) shall be identified on the basis of—

1 “(A) academic excellence and a commit-
2 ment to public service or to a field of endeavor
3 useful to the Government; and

4 “(B) geographic diversity;

5 “(2) shall be identified without regard to race,
6 color, religion, sex, national origin, marital status,
7 age, disabling condition, or political party or affili-
8 ation; and

9 “(3) shall not be disqualified by reason of al-
10 ready being employed by the Government.

11 “(c) Each contract referred to in subsection (a) shall
12 contain provisions under which the organization involved
13 shall be required to permit the Office of Personnel Man-
14 agement and representatives of the General Accounting
15 Office to examine such records of the organization as may
16 be necessary to carry out the purposes of this chapter.

17 **“§ 3604. Scholarship agreements**

18 “(a) An agency may select, from among candidates
19 identified under section 3603, individuals to receive schol-
20 arships under the Public Service Scholarship Program.

21 “(b) The agency and each individual so selected shall
22 enter into a written agreement which shall include, subject
23 to such requirements as the Office of Personnel Manage-
24 ment may by regulation prescribe, provisions under
25 which—

1 “(1) the agency shall award the scholarship to
2 help defray the costs incurred by such individual in
3 pursuing a baccalaureate or post-baccalaureate de-
4 gree, as a full-time student, in an academic program
5 which is not less than 1 and not more than 4 aca-
6 demic years in duration, at an educational institu-
7 tion which is authorized to grant such degree;

8 “(2) the individual shall be required to main-
9 tain an acceptable academic standing (as defined in
10 the agreement), and to provide to the agency such
11 certifications from the educational institution as the
12 agency may require relating to the individual’s at-
13 tendance and academic standing;

14 “(3) after successfully completing the require-
15 ments for the degree, the individual shall accept, if
16 offered within such time as shall be specified in the
17 agreement, an appointment to a full-time position
18 that is commensurate with the individual’s academic
19 degree and experience, and that is—

20 “(A) in the excepted service, if the individ-
21 ual has not previously acquired competitive sta-
22 tus, with the right, after successful completion
23 of 2 years of service and such other require-
24 ments as the Office may prescribe, to be ap-

1 pointed to a position in the competitive service,
2 notwithstanding subchapter I of chapter 33; or

3 “(B) in the competitive service, if the indi-
4 vidual has previously acquired competitive sta-
5 tus;

6 “(4) if appointed under paragraph (3), the indi-
7 vidual shall serve for 18 months for each complete
8 academic year (as well as the pro rata equivalent for
9 any semester or other portion of an academic year
10 in excess of 1 or more complete academic years) for
11 which a scholarship was provided; and

12 “(5) the individual agrees to repay to the agen-
13 cy the full amount in scholarships paid to or on be-
14 half of such individual under this chapter if the indi-
15 vidual—

16 “(A) fails to maintain an acceptable aca-
17 demic standing or to satisfactorily complete the
18 requirements for the degree involved; or

19 “(B) if offered a position in accordance
20 with paragraph (3), fails to satisfy the require-
21 ment under paragraph (4), unless that failure is
22 due to an involuntary separation other than for
23 cause.

24 “(c) If, in the event of a failure described in para-
25 graph (5)(A) or (B), the individual does not repay the

1 amount required under the agreement, a sum equal to the
2 amount outstanding shall be recoverable by the Govern-
3 ment from the individual (or such individual's estate, if
4 applicable) by—

5 “(1) setoff against accrued pay, compensation,
6 amount of retirement credit, or other amount due
7 the employee from the Government; and

8 “(2) any other method provided by law for the
9 recovery of amounts owing to the Government.

10 The head of the agency concerned may waive, in whole
11 or in part, a right of recovery under this chapter if it is
12 shown that recovery would be against equity and good con-
13 science or against the public interest.

14 “(d)(1) An agency and an individual who have en-
15 tered into an agreement under this section may, by mutual
16 agreement, modify or terminate the agreement at any
17 time.

18 “(2) Nothing in this chapter shall be considered to
19 require an agency to offer a position to a scholarship recip-
20 ient. However, if the agency does not make such an offer
21 within the time specified in the agreement, the agreement
22 shall be considered terminated.

23 “(3) An agency may agree to allow the individual to
24 complete all or part of the period of service required under
25 subsection (b)(4) as an employee of another agency. The

1 agreement between the agencies may include provisions
2 under which the receiving agency shall reimburse the other
3 agency for an amount not to exceed the total amount in
4 scholarships paid by such agency to or on behalf of the
5 individual involved.

6 **“§ 3605. Scholarship payments**

7 “(a) The Office of Personnel Management shall de-
8 termine the maximum amount that may be paid as a
9 scholarship under this chapter, on the basis of average
10 costs at public and private educational institutions, cover-
11 ing tuition and fees, books, appropriate living expenses,
12 and any estimated tax liability for such scholarship. The
13 amount may vary based on the level of the degree being
14 sought. The Office may revise the maximum amount from
15 time to time, as the Office determines appropriate.

16 “(b)(1) Agencies may make scholarship payments
17 from the appropriation, fund, or account that is available
18 to pay salaries of employees of the activity in which it is
19 expected that the recipient of the scholarship assistance
20 will be employed.

21 “(2) There are authorized to be appropriated to the
22 Office such sums as may be necessary to permit the Office
23 to reimburse agencies for scholarship payments under this
24 chapter, or for portions of such payments, in order to en-

1 courage agencies to make use of the Public Service Schol-
2 arship Program.

3 **“§ 3606. Regulations**

4 “The Office of Personnel Management may prescribe
5 regulations for the administration of this chapter.

6 **“§ 3607. Reports**

7 “The Office of Personnel Management shall prepare
8 and submit to Congress each year a report on the oper-
9 ation of the Public Service Scholarship Program.”.

10 (2) The table of chapters for part III of title 5, Unit-
11 ed States Code, is amended by adding after the item relat-
12 ing to chapter 35 the following:

“36. Public Service Scholarship Program 3601”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall be effective as of the date of the enact-
15 ment of this Act.

16 **SEC. 3. AMENDMENT RELATING TO STUDENT LOAN REPAY-**
17 **MENTS.**

18 Section 5379 of title 5, United States Code, is
19 amended by adding at the end the following:

20 “(h) At the request of an agency head, the President
21 may authorize the application of the preceding provisions
22 of this section (excluding subsection (a)(2)) with respect
23 to 1 or more categories of employees within such agency,
24 described in subsection (a)(2), who would not otherwise
25 be eligible for benefits under this section.”.

